

1 residential care apartment complexes in the area of the resource center when the
2 benefit under s. 46.286 first becomes available in the county where the nursing home,
3 community-based residential facility, adult family home, or residential care
4 apartment complex is located.

5 ***-0241/4.5* SECTION 1304.** 46.283 (4) (g) of the statutes is amended to read:

6 46.283 (4) (g) Perform a functional screening and a financial and cost-sharing
7 screening for any person seeking admission to a nursing home, community-based
8 residential facility, residential care apartment complex, or adult family home, as
9 defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center
10 is available to the person and the facility and the person is determined by the
11 resource center to have a condition that is expected to last at least 90 days that would
12 require care, assistance, or supervision. A resource center may not require a
13 financial and cost-sharing screening for a person seeking admission or about to be
14 admitted on a private pay basis who waives the requirement for a financial and
15 cost-sharing screening under this paragraph, unless the person is expected to
16 become eligible for medical assistance within 6 months. A resource center need not
17 perform a functional screening for a person seeking admission or about to be
18 admitted for whom a functional screening was performed within the previous 6
19 months.

20 ***-0809/4.9* SECTION 1305.** 46.283 (5) of the statutes is amended to read:

21 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
22 (bm), (gm), (pa), and (w) and (7) (b), (bd), and (md), the department may contract with
23 organizations that meet standards under sub. (3) for performance of the duties under
24 sub. (4) and shall distribute funds for services provided by resource centers.

25 ***-0809/4.10* SECTION 1306.** 46.284 (5) (a) of the statutes is amended to read:

1 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (gm),
2 (im), (o), and (w) and (7) (b), (bd), and (g), the department shall provide funding on
3 a capitated payment basis for the provision of services under this section.
4 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
5 under contract with the department may expend the funds, consistent with this
6 section, including providing payment, on a capitated basis, to providers of services
7 under the family care benefit.

8 ***-1465/P4.328* *-0808/2.193* SECTION 1307.** 46.29 (3) (e) of the statutes is
9 amended to read:

10 46.29 (3) (e) The secretary of ~~commerce~~ safety and professional services.

11 ***-0174/4.2* SECTION 1308.** 46.40 (9) (d) of the statutes is amended to read:

12 46.40 (9) (d) *Payment adjustments for certain Medical Assistance services.* The
13 department may decrease a county's allocation under sub. (2) by the amount of any
14 payment adjustments under s. 49.45 (52) (a) made for that county from the
15 appropriation account under s. 20.435 (7) (b) for services described under s. 49.45 (52)
16 (a) 1. The total amount of the decrease for a county under this paragraph during any
17 fiscal year may not exceed that part of the county's allocation under sub. (2) that
18 derives from the appropriation account under s. 20.435 (7) (b) for that fiscal year.

19 ***-1019/5.30* SECTION 1309.** 46.40 (9) (e) of the statutes is created to read:

20 46.40 (9) (e) *Adjustment for income maintenance programs.* In each fiscal year,
21 beginning in fiscal year 2012-13, the department shall decrease a county's allocation
22 under sub. (2) from the appropriation under s. 20.435 (7) (b) by the amount that the
23 department determines the county expended in calendar year 2009 to provide
24 income maintenance programs, as defined in s. 49.78 (1) (b).

25 ***-0713/2.3* SECTION 1310.** 46.48 (1) of the statutes is amended to read:

1 46.48 (1) GENERAL. From the appropriation accounts under s. 20.435 (5) (bc)
2 and (7) (bc), the department shall award grants for community programs as provided
3 in ~~this section~~ subs. (4) to (30).

4 ***-0713/2.4* SECTION 1311.** 46.48 (31) of the statutes is created to read:

5 46.48 (31) BRIGHTER FUTURES INITIATIVE. From the appropriation account under
6 s. 20.435 (5) (bc), the department shall transfer not more than \$865,000 in each fiscal
7 year to the appropriation account under s. 20.437 (1) (kb) to award grants under s.
8 48.545.

9 ***-1465/P4.329* *-0808/2.194* SECTION 1312.** 46.90 (1) (gr) 3. of the statutes
10 is amended to read:

11 46.90 (1) (gr) 3. The department of ~~regulation and licensing~~ safety and
12 professional services.

13 ***-1465/P4.330* *-0808/2.195* SECTION 1313.** 46.90 (5m) (br) 5. of the statutes
14 is amended to read:

15 46.90 (5m) (br) 5. Refer the case to the department of ~~regulation and licensing~~
16 safety and professional services if the financial exploitation, neglect, self-neglect, or
17 abuse involves an individual who is required to hold a credential, as defined in s.
18 440.01 (2) (a), under chs. 440 to 460.

19 ***-0724/1.3* SECTION 1314.** 46.99 (3) of the statutes is amended to read:

20 46.99 (3) If the waiver requested under sub. (2) is granted, counties shall
21 provide to the department the nonfederal share of costs for medical assistance
22 services provided under the waiver. Counties may use moneys appropriated under
23 s. 20.435 (7) (bt) and distributed to counties under s. 51.44 (3) (a) to provide the
24 nonfederal share of medical assistance costs.

25 ***-0724/1.4* SECTION 1315.** 46.99 (3m) of the statutes is created to read:

1 46.99 (3m) If the waiver requested under sub. (2) is granted, counties shall
2 provide to the department the nonfederal share of the cost incurred by an entity to
3 administer the waiver program under this section.

4 *-0724/1.5* SECTION 1316. 46.99 (4) of the statutes is amended to read:

5 46.99 (4) From the appropriation account under s. 20.435 (4) (o), the
6 department ~~shall~~ may distribute to counties that provide services under this section
7 the amount of federal moneys received by the state as the federal share of medical
8 assistance for those services, minus the amount transferred to the appropriation
9 account under s. 20.435 (7) (im) for the department's costs of administering this
10 section. Counties shall use moneys distributed under this section to provide services
11 under this section or s. 51.44.

12 *-0724/1.6* SECTION 1317. 46.995 of the statutes is created to read:

13 **46.995 Disabled children's long-term support program; local funding.**

14 (1) A county shall provide to the department the nonfederal share of the cost
15 incurred by an entity to administer services provided without state funding under
16 the disabled children's long-term support program for a child enrolled in the
17 program after December 31, 2010.

18 (2) A county shall provide to the department the nonfederal share of the cost
19 of services provided without state funding under the disabled children's long-term
20 support program.

21 *-0197/1.1* SECTION 1318. 47.03 (11) (a) of the statutes is amended to read:

22 47.03 (11) (a) The department shall provide services, including vocational
23 training, ~~craft instruction~~ and a supervised business initiatives program for persons
24 with severe disabilities who are eligible for vocational rehabilitation services. Under
25 this subsection, the department may own, lease, manage, supervise or operate

businesses for the benefit of persons with severe disabilities, ~~including home-based employment and craft work~~, with the ultimate objective of enabling persons with severe disabilities to operate their own businesses. ~~The department shall assist persons with severe disabilities who receive these services in marketing the finished products.~~

***-0197/1.2* SECTION 1319.** 47.03 (11) (c) of the statutes is repealed.

***-0197/1.3* SECTION 1320.** 47.03 (11) (d) of the statutes is repealed.

***-0197/1.4* SECTION 1321.** 47.03 (11) (e) of the statutes is repealed.

***-1213/1.13* SECTION 1322.** 48.345 (12) (a) 1. of the statutes is amended to read:

48.345 (12) (a) 1. A nonresidential educational program, ~~including a program for children at risk under s. 118.153~~, provided by the school district in which the child resides.

***-1213/1.14* SECTION 1323.** 48.487 (4m) (a) 2. of the statutes is amended to read:

48.487 (4m) (a) 2. "Dropout" has the meaning given under s. ~~118.153 (1) (b)~~ 115.001 (2m).

***-0713/2.5* SECTION 1324.** 48.545 (2) (a) (intro.) of the statutes is amended to read:

48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg), (kb), and (nL), the department shall distribute \$2,097,700 in each fiscal year to applying nonprofit corporations and public agencies operating in a county having a population of 500,000 or more, \$1,171,800 in each fiscal year to applying county departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county

1 having a population of 500,000 or more, and \$55,000 in each fiscal year to Diverse
2 and Resilient, Inc. to provide programs to accomplish all of the following:

3 ***-0885/1.7* SECTION 1325.** 48.563 (1) (a) of the statutes is amended to read:

4 48.563 (1) (a) Within the limits of available federal funds and of the
5 appropriations under s. 20.437 (1) (b), (km), and (o), the department shall distribute
6 funds for children and family services to county departments as provided in subs. (2),
7 (3), and (7m) and s. 48.986.

8 ***-1321/2.4* SECTION 1326.** 48.565 (2) (c) of the statutes is amended to read:

9 48.565 (2) (c) The department shall credit to the appropriation account under
10 s. 20.437 (3) ~~(mp)~~ (kp) any moneys carried forward under par. (a), but not distributed
11 to counties, and may expend those moneys as provided in s. 48.567.

12 ***-1321/2.5* SECTION 1327.** 48.567 (1) of the statutes is amended to read:

13 48.567 (1) From the appropriation account under s. 20.437 (3) ~~(mp)~~ (kp), the
14 department shall support costs that are exclusively related to the ongoing and
15 recurring operational costs of augmenting the amount of moneys received under 42
16 USC 670 to 679a and to any other purpose provided for by the legislature by law or
17 in budget determinations. In addition, the department may expend moneys from ~~the~~
18 those appropriation account under s. 20.437 (3) ~~(mp)~~ accounts as provided in subs.
19 (1m) and (2).

20 ***-1321/2.6* SECTION 1328.** 48.567 (1m) of the statutes is amended to read:

21 48.567 (1m) In addition to expending moneys from the appropriation account
22 under s. 20.437 (3) ~~(mp)~~ (kp) for the augmentation activities specified in sub. (1), the
23 department may expend moneys received under 42 USC 1396 to 1396v in
24 reimbursement of the cost of providing targeted case management services to
25 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and

1 ~~credited to the~~ from that appropriation account ~~under s. 20.437 (3) (mp)~~ to support
2 the counties' share of implementing the statewide automated child welfare
3 information system under s. 46.22 (1) (c) 8. f. and to provide services to children and
4 families under s. 48.48 (17).

5 ***-1321/2.7* SECTION 1329.** 48.567 (2) of the statutes is amended to read:

6 48.567 (2) If the department proposes to use any moneys from the
7 appropriation account under s. 20.437 (3) ~~(mp)~~ (kp) for any purpose other than the
8 purposes specified in subs. (1) and (1m), the department shall submit a plan for the
9 proposed use of those moneys to the secretary of administration by September 1 of
10 the fiscal year after the fiscal year in which those moneys were received. If the
11 secretary of administration approves the plan, he or she shall submit the plan to the
12 joint committee on finance by October 1 of the fiscal year after the fiscal year in which
13 those moneys were received. If the cochairpersons of the committee do not notify the
14 secretary of administration within 14 working days after the date of submittal of the
15 plan that the committee has scheduled a meeting for the purpose of reviewing the
16 plan, the department may implement the plan. If within 14 working days after the
17 date of the submittal by the secretary of administration the cochairpersons of the
18 committee notify him or her that the committee has scheduled a meeting for the
19 purpose of reviewing the plan, the department may implement the plan only with the
20 approval of the committee.

21 ***-0885/1.8* SECTION 1330.** 48.569 (1) (am) of the statutes is amended to read:

22 48.569 (1) (am) The department shall reimburse each county from the
23 appropriations under s. 20.437 (1) (b), (km), and (o) for children and family services
24 as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

25 ***-0885/1.9* SECTION 1331.** 48.569 (1) (d) of the statutes is amended to read:

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1 48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (km), and (o), the
2 department shall distribute the funding for children and family services, including
3 funding for foster care or subsidized guardianship care of a child on whose behalf aid
4 is received under s. 48.645 to county departments as provided under s. 48.563.
5 County matching funds are required for the distribution under s. 48.563 (2). Each
6 county's required match for the distribution under s. 48.563 (2) shall be specified in
7 a schedule established annually by the department. Matching funds may be from
8 county tax levies, federal and state revenue sharing funds, or private donations to
9 the county that meet the requirements specified in sub. (1m). Private donations may
10 not exceed 25 percent of the total county match. If the county match is less than the
11 amount required to generate the full amount of state and federal funds distributed
12 for this period, the decrease in the amount of state and federal funds equals the
13 difference between the required and the actual amount of county matching funds.

14 ***-1019/5.31* SECTION 1332.** 48.57 (3m) (am) 6. of the statutes is amended to
15 read:

16 48.57 (3m) (am) 6. The child for whom the kinship care relative is providing
17 care and maintenance is not receiving supplemental security income under 42 USC
18 1381 to 1383c or state supplemental payments under s. 49.77 49.39.

19 ***-1019/5.32* SECTION 1333.** 48.57 (3n) (am) 5r. of the statutes is amended to
20 read:

21 48.57 (3n) (am) 5r. The child for whom the long-term kinship care relative is
22 providing care and maintenance is not receiving supplemental security income
23 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 49.39.

24 ***-1465/P4.331* *-0808/2.196* SECTION 1334.** 48.67 (intro.) of the statutes is
25 amended to read:

48.67 Rules governing child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments.

(intro.) The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of ~~commerce~~ safety and professional services, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall include rules that require all of the following:

***-1465/P4.332* *-0808/2.197* SECTION 1335.** 48.685 (2) (am) 3. of the statutes is amended to read:

48.685 (2) (am) 3. Information maintained by the department of ~~regulation and licensing~~ safety and professional services regarding the status of the person's credentials, if applicable.

***-1465/P4.333* *-0808/2.198* SECTION 1336.** 48.685 (2) (b) 1. c. of the statutes is amended to read:

48.685 (2) (b) 1. c. Information maintained by the department of ~~regulation and licensing~~ safety and professional services regarding the status of the person's credentials, if applicable.

***-1465/P4.334* *-0808/2.199* SECTION 1337.** 48.685 (4m) (a) 5. of the statutes is amended to read:

1 48.685 (4m) (a) 5. That, in the case of a position for which the person must be
2 credentialed by the department of ~~regulation and licensing~~ safety and professional
3 services, the person's credential is not current or is limited so as to restrict the person
4 from providing adequate care to a client.

5 *-1465/P4.335* *-0808/2.200* SECTION 1338. 48.685 (4m) (b) 5. of the statutes
6 is amended to read:

7 48.685 (4m) (b) 5. That, in the case of a position for which the person must be
8 credentialed by the department of ~~regulation and licensing~~ safety and professional
9 services, the person's credential is not current or is limited so as to restrict the person
10 from providing adequate care to a client.

11 *-1019/5.33* SECTION 1339. 48.685 (5) (br) 5. of the statutes is amended to
12 read:

13 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
14 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of
15 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
16 children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps
17 benefits under the food stamp program under 7 USC 2011 to 2036, supplemental
18 security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the
19 support of children of supplemental security income recipients under s. 49.775, 2009
20 stats., or s. 49.395, or health care benefits under the Badger Care health care
21 program under s. 49.665.

22 *-1195/2.14* SECTION 1340. 48.685 (5) (br) 5. of the statutes, as affected by
23 2011 Wisconsin Act (this act), is amended to read:

24 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
25 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of

1 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
2 children under s. 49.19, medical assistance under subch. IV of ch. 49, ~~food stamps~~
3 benefits under the ~~food stamp~~ supplemental nutrition assistance program under 7
4 USC 2011 to 2036, supplemental security income payments under s. 49.77, 2009
5 stats., or s. 49.39, payments for the support of children of supplemental security
6 income recipients under s. 49.775, 2009 stats., or s. 49.395, or health care benefits
7 under the Badger Care health care program under s. 49.665.

****NOTE: This is reconciled s. 48.685 (5) (br) 5. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

8 ***-1465/P4.336* *-0808/2.201* SECTION 1341.** 48.78 (2) (g) of the statutes is
9 amended to read:

10 48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing
11 information about an individual in its care or legal custody on the written request
12 of the department of ~~regulation and licensing~~ safety and professional services or of
13 any interested examining board or affiliated credentialing board in that department
14 for use in any investigation or proceeding relating to any alleged misconduct by any
15 person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457.
16 Unless authorized by an order of the court, the department of ~~regulation and~~
17 ~~licensing~~ safety and professional services and any examining board or affiliated
18 credentialing board in that department shall keep confidential any information
19 obtained under this paragraph and may not disclose the name of or any other
20 identifying information about the individual who is the subject of the information
21 disclosed, except to the extent that redisclosure of that information is necessary for
22 the conduct of the investigation or proceeding for which that information was
23 obtained.

***-1187/P5.373* SECTION 1342.** 48.84 (1) of the statutes is amended to read:

48.84 (1) Before a child may be placed under s. 48.833 for adoption by a proposed adoptive parent who has not previously adopted a child, before a proposed adoptive parent who has not previously adopted a child may petition for placement of a child for adoption under s. 48.837, and before a proposed adoptive parent who has not previously adopted a child may bring a child into this state for adoption under s. 48.839, the proposed adoptive parent shall complete the preadoption preparation required under this section. The preparation shall be provided by a licensed child welfare agency, a licensed private adoption agency, the state adoption information exchange under s. 48.55, the state adoption center under s. 48.55, a state-funded foster care and adoption resource center, a state-funded postadoption resource center, a technical college district school, the University of Wisconsin-Madison, or an institution or college campus within the University of Wisconsin System. If the proposed adoptive parent does not reside in this state, he or she may meet this requirement by obtaining equivalent preparation in his or her state of residence.

***-0183/1.1* SECTION 1343.** 48.981 (3m) (b) (intro.) of the statutes is amended to read:

48.981 (3m) (b) (intro.) The department shall establish a pilot program under which an agency in a county having a population of 500,000 or more or a county department that is selected to participate in the pilot program may employ alternative responses to a report of abuse or neglect or of threatened abuse or neglect. The department shall select ~~an agency in a county having a population of 500,000 or more and not more than 4~~ agencies and county departments to participate in the pilot program in accordance with the department's request-for-proposal procedures and according to criteria developed by the department. Those criteria shall include

an assessment of the plan of an agency or county department for involving the community in providing services for a family that is participating in the pilot program and a determination of whether an agency or a county department has an agreement with local law enforcement agencies and the representative of the public under s. 48.09 to ensure interagency cooperation in implementing the pilot program.

To implement the pilot program, the department shall provide all of the following:

***-1195/2.15* SECTION 1344.** 49.131 (3) of the statutes is amended to read:

49.131 (3) The Except as provided in s. 49.377 (2), the department may not require a county or tribal governing body to participate in an electronic benefit transfer system under this section if the costs to the county or tribal governing body would be greater than the costs that the county or tribal governing body would incur in delivering the benefits through a system that is not an electronic benefit transfer system.

***-1195/2.16* SECTION 1345.** 49.141 (7) (c) 3. of the statutes is amended to read:

49.141 (7) (c) 3. Fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of receiving simultaneously in this state and at least one other state benefits under the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2029 2036.

***-1195/2.17* SECTION 1346.** 49.143 (2) (d) of the statutes is amended to read:

49.143 (2) (d) If the Wisconsin ~~works~~ Works agency is not a county department under s. 46.215, 46.22 or 46.23 or tribal governing body, cooperate with the county department or tribal governing body to ensure that services delivered under Wisconsin ~~works~~ Works, the ~~food stamp~~ supplemental nutrition assistance program and medical assistance are coordinated with the county or tribal governing body in a manner that most effectively serves the recipients of those services.

1 ***-1146/1.1* SECTION 1347.** 49.143 (2r) of the statutes is amended to read:

2 49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with
3 the local workforce development board to connect individuals seeking employment
4 with employment opportunities, including the trial job program under s. 49.147 (3)
5 and, if operating in the geographical area in which the Wisconsin Works agency
6 administers Wisconsin Works, the transitional jobs demonstration project under s.
7 49.162.

8 ***-1019/5.34* SECTION 1348.** 49.145 (2) (i) of the statutes is amended to read:

9 49.145 (2) (i) The individual is not receiving supplemental security income
10 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39
11 and, if the individual is a dependent child, the custodial parent of the individual does
12 not receive a payment on behalf of the individual under s. ~~49.775~~ 49.395. The
13 department may require an individual who receives benefits under s. 49.148 and who
14 has applied for supplemental security income under 42 USC 1381 to 1383c to
15 authorize the federal social security administration to reimburse the department for
16 the benefits paid to the individual under s. 49.148 during the period that the
17 individual was entitled to supplemental security income benefits to the extent that
18 retroactive supplemental security income benefits are made available to the
19 individual.

20 ***-1146/1.2* SECTION 1349.** 49.147 (3) (c) of the statutes is created to read:

21 49.147 (3) (c) *Time-limited participation.* A participant under this subsection
22 may participate in a trial job for a maximum of 3 months, with an opportunity for a
23 3-month extension under circumstances determined by the Wisconsin Works
24 agency. A participant may participate in more than one trial job, but may not exceed
25 a total of 24 months of participation under this subsection. The months need not be

consecutive. The department or, with the approval of the department, the Wisconsin Works agency may grant an extension of the 24-month limit on a case-by-case basis if the participant has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions preclude a reasonable job opportunity for that participant, as determined by a Wisconsin Works agency and approved by the department.

***-1146/1.3* SECTION 1350.** 49.147 (4) (as) of the statutes is amended to read:

49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and sub. (5m), a Wisconsin Works agency shall require a participant placed in a community service job program to work in a community service job for the number of hours determined by the Wisconsin Works agency to be appropriate for the participant at the time of application or review, ~~except that the~~ but not to exceed 30 hours per week. Except as provided in pars. (at) and (av), a Wisconsin Works agency may not require a participant under this subsection to ~~spend more than 40 hours per week in combined activities under this subsection~~ participate in education or training activities for not more than 10 hours per week.

***-1146/1.4* SECTION 1351.** 49.147 (4) (b) of the statutes is created to read:

49.147 (4) (b) *Time-limited participation.* An individual may participate in a community service job for a maximum of 6 months, with an opportunity for a 3-month extension under circumstances approved by the department. An individual may participate in more than one community service job, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin Works agency may grant an extension to the 24-month limit on a case-by-case basis if the Wisconsin Works agency determines that the individual has made all

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1 appropriate efforts to find unsubsidized employment and has been unable to find
2 unsubsidized employment because local labor market conditions preclude a
3 reasonable employment opportunity in unsubsidized employment for that
4 participant, as determined by a Wisconsin Works agency and approved by the
5 department, and if the Wisconsin Works agency determines, and the department
6 agrees, that no trial job opportunities are available in the specified local labor
7 market.

8 ***-1146/1.5* SECTION 1352.** 49.147 (5) (b) (intro.) of the statutes is renumbered
9 49.147 (5) (b) 1. (intro.) and amended to read:

10 49.147 (5) (b) 1. (intro.) The Wisconsin ~~works~~ Works agency shall assign a
11 participant under this subsection to work activities such as a community
12 rehabilitation program, as defined by the department, a job similar to a community
13 service job, or a volunteer activity. A Wisconsin ~~works~~ Works agency may require a
14 participant under this subsection to participate in any of the following:

15 ***-1146/1.6* SECTION 1353.** 49.147 (5) (b) 1m. of the statutes is renumbered
16 49.147 (5) (b) 1. a. and amended to read:

17 49.147 (5) (b) 1. a. An alcohol and other drug abuse evaluation, assessment, and
18 treatment program.

19 ***-1146/1.7* SECTION 1354.** 49.147 (5) (b) 2. of the statutes is created to read:

20 49.147 (5) (b) 2. An individual may participate in a transitional placement for
21 a maximum of 24 months. The months need not be consecutive. This period may be
22 extended on a case-by-case basis by the department or by the Wisconsin Works
23 agency with the approval of the department.

24 ***-1146/1.8* SECTION 1355.** 49.147 (5) (b) 2m. of the statutes is renumbered
25 49.147 (5) (b) 1. b.

1 ***-1146/1.9* SECTION 1356.** 49.147 (5) (b) 3. of the statutes is renumbered
2 49.147 (5) (b) 1. c.

3 ***-1146/1.10* SECTION 1357.** 49.147 (5) (b) 4. of the statutes is renumbered
4 49.147 (5) (b) 1. d. and amended to read:

5 49.147 (5) (b) 1. d. Other activities that the Wisconsin ~~works~~ Works agency
6 determines are consistent with the capabilities of the individual.

7 ***-1146/1.11* SECTION 1358.** 49.147 (5) (bs) of the statutes is amended to read:

8 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),
9 a Wisconsin Works agency may require a participant placed in a transitional
10 placement to engage in activities under par. (b) ~~1m. to 4.~~ The 1. for up to 28 hours
11 per week. Except as provided in sub. (5m), a Wisconsin Works agency may not
12 require a participant under this subsection to spend more than 40 hours per week
13 in combined activities under this subsection participate in education or training
14 activities under par. (bm) for not more than 12 hours per week.

15 ***-1146/1.12* SECTION 1359.** 49.148 (1) (b) 1. of the statutes is amended to read:

16 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
17 community service job under s. 49.147 (4), a monthly grant of ~~\$673~~ \$653, paid by the
18 Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or
19 education or training activities without good cause, the grant amount shall be
20 reduced by \$5.15. Good cause shall be determined by the financial and employment
21 planner in accordance with rules promulgated by the department. Good cause shall
22 include required court appearances for a victim of domestic abuse. If a participant
23 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
24 per week because the participant has unsubsidized employment, as defined in s.
25 49.147 (1) (c), the grant amount under this paragraph shall equal the amount

1 specified under subd. 1m. minus \$5.15 for each hour that the participant misses work
2 or education or training activities without good cause.

3 ***-1146/1.13* SECTION 1360.** 49.148 (1) (b) 1m. d. of the statutes is amended to
4 read:

5 49.148 (1) (b) 1m. d. For a participant placed in a community service job for
6 more than 20 hours per week, ~~\$673~~ \$653.

7 ***-1146/1.14* SECTION 1361.** 49.148 (1) (b) 3. of the statutes is amended to read:

8 49.148 (1) (b) 3. For a participant in a community service job who participates
9 in technical college education under s. 49.147 (5m), a monthly grant of ~~\$673~~ \$653,
10 paid by the Wisconsin ~~works~~ Works agency. For every hour that the participant
11 misses work or other required activities without good cause, the grant amount shall
12 be reduced by \$5.15. Good cause shall be determined by the financial and
13 employment planner in accordance with rules promulgated by the department. Good
14 cause shall include required court appearances for a victim of domestic abuse.

15 ***-1146/1.15* SECTION 1362.** 49.148 (1) (c) of the statutes is amended to read:

16 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
17 placement under s. 49.147 (5) or in a transitional placement and in technical college
18 education under s. 49.147 (5m), a grant of ~~\$628~~ \$608, paid monthly by the Wisconsin
19 Works agency. For every hour that the participant fails to participate in any required
20 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1m. to 4.~~
21 1. a. to d., the grant amount shall be reduced by \$5.15. Good cause shall be
22 determined by the financial and employment planner in accordance with rules
23 promulgated by the department. Good cause shall include required court
24 appearances for a victim of domestic abuse.

1 ***-1146/1.16* SECTION 1363.** 49.148 (1m) (c) (intro.) of the statutes is amended
2 to read:

3 49.148 (1m) (c) (intro.) For purposes of the time ~~limit~~ limits under s. ~~ss.~~ 49.145
4 (2) (n) and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

5 ***-1146/1.17* SECTION 1364.** 49.148 (4) (b) of the statutes is amended to read:
6 49.148 (4) (b) The Wisconsin Works agency may require an individual who tests
7 positive for use of a controlled substance under par. (a) to participate in a drug abuse
8 evaluation, assessment, and treatment program as part of the participation
9 requirement under s. 49.147 (4) ~~(a) and (am)~~ (as) or (5) ~~(b) and (bm)~~ (bs).

10 ***-1146/1.18* SECTION 1365.** 49.151 (1) (b) of the statutes is amended to read:
11 49.151 (1) (b) The participant, or an individual who is in the participant's
12 Wisconsin Works group and who is subject to the work requirement under s. 49.15
13 (2), fails, without good cause, as determined by the Wisconsin Works agency, to
14 appear for an interview with a prospective employer or, if the participant is in a
15 Wisconsin Works transitional placement, the participant fails to appear for an
16 assigned activity, including an activity under s. 49.147 (5) (b) ~~1m. to 4. 1. a. to d.,~~
17 without good cause, as determined by the Wisconsin Works agency.

18 ***-1146/1.19* SECTION 1366.** 49.1515 (title) of the statutes is amended to read:
19 **49.1515 (title) Determining nonparticipation without good cause.**

20 ***-1146/1.20* SECTION 1367.** 49.1515 (2) of the statutes is repealed.

21 ***-1146/1.21* SECTION 1368.** 49.1515 (3) of the statutes is repealed.

22 ***-1146/1.22* SECTION 1369.** 49.153 (1) (am) of the statutes is repealed.

23 ***-1146/1.23* SECTION 1370.** 49.153 (1) (bm) of the statutes is renumbered
24 49.153 (1) (a) and amended to read:

SECTION 1370

1 49.153 (1) (a) ~~After providing the explanation under par. (am), provide~~ Provide
2 to the participant written notice of the proposed action and of the reasons for the
3 proposed action.

4 ***-1146/1.24* SECTION 1371.** 49.153 (1) (c) of the statutes is amended to read:
5 49.153 (1) (c) ~~After providing the explanation or the attempts to provide an~~
6 ~~explanation under par. (am) and the notice under par. (bm), if the participant has not~~
7 ~~already been afforded a conciliation period under s. 49.1515 (3) (a), allow the~~
8 participant a reasonable time to rectify the deficiency, failure, or other behavior to
9 avoid the proposed action.

10 ***-1146/1.25* SECTION 1372.** 49.153 (2) of the statutes is amended to read:
11 49.153 (2) RULES. The department shall promulgate rules that establish
12 procedures for the notice ~~and explanation~~ under sub. (1) (a) and that define
13 ~~“reasonable attempts” for the purpose of sub. (1) (am) and “reasonable time” for the~~
14 purpose of sub. (1) (c).

15 ***-1019/5.35* SECTION 1373.** 49.155 (1) (ah) of the statutes is amended to read:
16 49.155 (1) (ah) “County department or agency” means a county department
17 under s. 46.215, 46.22, or 46.23, ~~the unit, as defined in s. 49.825 (1) (e), or a Wisconsin~~
18 Works agency, child care resource and referral agency, or other agency.

19 ***-0149/2.5* SECTION 1374.** 49.155 (1g) (ac) of the statutes is amended to read:
20 49.155 (1g) (ac) A child care scholarship and bonus program, in the amount of
21 at least \$3,475,000 \$3,975,000 per fiscal year.

22 ***-0149/2.6* SECTION 1375.** 49.155 (1g) (c) of the statutes is amended to read:
23 49.155 (1g) (c) Child care licensing activities, in the amount of at least
24 \$5,763,900 \$8,767,000 per fiscal year.

25 ***-0149/2.7* SECTION 1376.** 49.155 (1g) (g) of the statutes is created to read:

49.155 (1g) (g) Contracts and grants to implement the child care quality rating system under s. 48.659.

***-1203/1.1* SECTION 1377.** 49.155 (1h) of the statutes is repealed.

***-1195/2.18* SECTION 1378.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

49.155 (1m) (a) 3m. Participate in a job search or work experience component of the ~~food stamp~~ supplemental nutrition assistance employment and training program under s. ~~49.79 (9)~~ 49.37 (9).

***-1019/5.36* SECTION 1379.** 49.155 (3g) (a) (intro.) of the statutes is amended to read:

49.155 (3g) (a) (intro.) The department may contract with the ~~Milwaukee County enrollment services unit, as provided in s. 49.825 (2) (b)~~ department of health services, to do any of the following:

***-0148/P2.1* SECTION 1380.** 49.155 (6) (e) of the statutes is renumbered 49.155 (6) (e) 2. and amended to read:

49.155 (6) (e) 2. The Except as provided in subd. 3., the department may not increase the maximum reimbursement rates for child care providers ~~in 2009, in 2010, or before June 30 in 2011, 2013.~~

***-0148/P2.2* SECTION 1381.** 49.155 (6) (e) 1. of the statutes is created to read:

49.155 (6) (e) 1. In this paragraph, "quality rating plan" means the plan for implementing the child care quality rating system under s. 48.659 submitted by the department under 2009 Wisconsin Act 28, section 9108 (7f).

***-0148/P2.3* SECTION 1382.** 49.155 (6) (e) 3. of the statutes is created to read:

1 49.155 (6) (e) 3. The department may modify a child care provider's
2 reimbursement rate under subd. 2. on the basis of the provider's quality rating, as
3 described in the quality rating plan, in the following manner:

4 a. For a child care provider who receives a 1-star rating, the department may
5 deny reimbursement.

6 b. For a child care provider who receives a 2-star rating, the department may
7 reduce the maximum reimbursement rate by up to 5 percent.

8 c. For a child care provider who receives a 3-star rating, the department shall
9 pay the maximum reimbursement rate.

10 d. For a child care provider who receives a 4-star rating, the department may
11 increase the maximum reimbursement rate by up to 5 percent.

12 e. For a child care provider who receives a 5-star rating, the department may
13 increase the maximum reimbursement rate by up to 10 percent.

14 *-0148/P2.4* SECTION 1383. 49.155 (6) (e) 4. of the statutes is created to read:

15 49.155 (6) (e) 4. The department may use a severity-index tool, as described
16 in the quality rating plan, to disqualify child care providers who receive a low quality
17 rating, as described in the quality rating plan, from providing child care services to
18 individuals under this section.

19 *-1204/1.1* SECTION 1384. 49.155 (6d) of the statutes is created to read:

20 49.155 (6d) COST-SAVING MEASURES. To reduce costs under the program under
21 this section, the department may do any of the following:

22 (a) Notwithstanding sub. (1m), implement a waiting list for receipt of a child
23 care subsidy under this section.

24 (b) Notwithstanding sub. (5), increase the copayment amount that an
25 individual must pay toward the cost of child care received under this section.

(c) Notwithstanding sub. (6), adjust the amount of reimbursement paid to child care providers providing child care services under this section.

(d) Notwithstanding sub. (1m), adjust the gross income levels for eligibility for receipt of a child care subsidy under this section.

***-1195/2.19* SECTION 1385.** 49.159 (2) of the statutes is amended to read:

49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.

A custodial parent who is under the age of 18 is eligible, regardless of that individual's or that individual's parent's income or assets, to meet with a financial and employment planner. The financial and employment planner may provide the individual with information regarding Wisconsin ~~works~~ Works eligibility, available child care services, employment and financial planning, family planning services, as defined in s. 253.07 (1) (b), community resources, eligibility for ~~food stamps~~ the supplemental nutrition assistance program, and other food and nutrition programs.

***-1146/1.26* SECTION 1386.** 49.162 of the statutes, as affected by 2009 Wisconsin Act 333, is repealed.

***-1465/P4.337* *-0808/2.202* SECTION 1387.** 49.165 (2) (c) (intro.) of the statutes is amended to read:

49.165 (2) (c) (intro.) No grant may be made to an organization which provides or will provide shelter facilities unless the department of ~~eommerce~~ safety and professional services determines that the physical plant of the facility will not be dangerous to the health or safety of the residents when the facility is in operation. No grant may be given to an organization which provides or will provide shelter facilities or private home shelter care unless the organization ensures that the following services will be provided either by that organization or by another organization, person or agency:

1 ***-1195/2.20* SECTION 1388.** 49.173 (3) (a) 2. of the statutes is amended to read:

2 49.173 (3) (a) 2. ~~Food-stamp~~ Supplemental nutrition assistance employment
3 and training.

4 ***-0149/2.8* SECTION 1389.** 49.175 (1) (intro.) of the statutes, as affected by
5 2009 Wisconsin Act 28, section 1227, is amended to read:

6 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
7 the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (ed), (k), (kx), (L),
8 (mc), (md), (me), (~~mf~~), and (s), the department shall allocate the following amounts
9 for the following purposes:

 ****NOTE: This is reconciled s. 49.175 (1) (intro.). This section has been affected by
 drafts with the following LRB numbers: LRB-0149/1 and LRB-1019/4.

10 ***-0149/2.9* SECTION 1390.** 49.175 (1) (a) of the statutes is amended to read:

11 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,
12 ~~\$49,139,400~~ \$78,787,800 in fiscal year ~~2009-10~~ 2011-12 and ~~\$51,229,600~~
13 \$61,779,400 in fiscal year ~~2010-11~~ 2012-13.

14 ***-0149/2.10* SECTION 1391.** 49.175 (1) (b) of the statutes is amended to read:

15 49.175 (1) (b) *Wisconsin Works administration.* For administration of
16 Wisconsin Works performed under contracts under s. 49.143, ~~\$8,247,000~~
17 \$11,830,800 in fiscal year ~~2009-10~~ 2011-12 and ~~\$8,247,000~~ \$11,117,100 in fiscal year
18 ~~2010-11~~ 2012-13.

19 ***-0149/2.11* SECTION 1392.** 49.175 (1) (f) of the statutes is amended to read:

20 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
21 Wisconsin Works provided under contracts under s. 49.143, ~~\$38,471,500~~ \$54,846,300
22 in fiscal year ~~2009-10~~ 2011-12 and ~~\$35,471,500~~ \$45,637,000 in fiscal year ~~2010-11~~
23 2012-13.

1 ***-0149/2.12* SECTION 1393.** 49.175 (1) (g) of the statutes is amended to read:

2 49.175 (1) (g) *State administration of public assistance programs and costs of*
3 *overpayment collections.* For state administration of public assistance programs and
4 ~~costs associated with the collection of public assistance overpayments, \$16,985,900~~
5 ~~in fiscal year 2009-10 and \$17,091,700~~ \$12,322,400 in each fiscal year ~~2010-11~~.

6 ***-0149/2.13* SECTION 1394.** 49.175 (1) (i) of the statutes is amended to read:

7 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
8 \$6,500,000 and for transfer to the department of administration for low-income
9 energy or weatherization assistance programs, \$6,200,000 in fiscal year ~~2009-10~~
10 ~~2011-12~~ and \$6,000,000 in fiscal year ~~2010-11~~ 2012-13.

11 ***-0149/2.14* SECTION 1395.** 49.175 (1) (p) of the statutes is amended to read:

12 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
13 49.155, ~~\$384,987,600~~ \$290,042,500 in fiscal year ~~2009-10~~ 2011-12 and ~~\$402,496,800~~
14 ~~\$288,018,300~~ in fiscal year ~~2010-11~~ 2012-13.

15 ***-0149/2.15* SECTION 1396.** 49.175 (1) (q) of the statutes is amended to read:

16 49.175 (1) (q) *Child care state administration and child care licensing*
17 *activities.* For administration of child care programs under s. 49.155 and the
18 allocation under s. 49.155 (1g) (c) for child care licensing activities, ~~\$8,534,700~~
19 \$21,061,700 in fiscal year ~~2009-10~~ 2011-12 and ~~\$8,889,700~~ \$21,143,400 in fiscal
20 year ~~2010-11~~ 2012-13.

21 ***-0149/2.16* SECTION 1397.** 49.175 (1) (qm) of the statutes is amended to read:

22 49.175 (1) (qm) *Quality care for quality kids.* For the child care quality
23 improvement activities specified in s. 49.155 (1g), ~~\$5,384,600~~ \$13,486,700 in fiscal
24 year ~~2009-10~~ 2011-12 and ~~\$5,384,600~~ \$13,169,400 in fiscal year ~~2010-11~~ 2012-13.

25 ***-0149/2.17* SECTION 1398.** 49.175 (1) (r) of the statutes is amended to read:

1 49.175 (1) (r) *Children of recipients of supplemental security income.* For
2 payments made under s. ~~49.775~~ 49.395 for the support of the dependent children of
3 recipients of supplemental security income, ~~\$29,899,800 in fiscal year 2009-10 and~~
4 ~~\$29,933,200~~ \$31,232,200 in each fiscal year thereafter.

 ***NOTE: This is reconciled s. 49.175 (1) (r). This section has been affected by drafts
with the following LRB numbers: LRB-0149/1 and LRB-1019/4.

5 ***-0149/2.18*** **SECTION 1399.** 49.175 (1) (s) of the statutes is amended to read:
6 49.175 (1) (s) *Kinship care, long-term kinship care, and foster care assistance.*
7 For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n),
8 and (3p) and for foster care for relatives under s. 48.62, ~~\$24,435,000 in fiscal year~~
9 ~~2009-10 and \$24,435,000~~ \$21,375,800 in each fiscal year ~~2010-11~~.

10 ***-0149/2.19*** **SECTION 1400.** 49.175 (1) (v) of the statutes is created to read:
11 49.175 (1) (v) *Program improvement plan.* For services provided under the
12 child welfare program improvement plan developed under 45 CFR 1355.35, \$680,400
13 in fiscal year 2011-12 and \$1,360,800 in each fiscal year thereafter.

14 ***-0149/2.20*** **SECTION 1401.** 49.175 (1) (zh) of the statutes is amended to read:
15 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
16 moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation
17 account under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$6,664,200 in fiscal~~
18 ~~year 2009-10 and \$6,664,200~~ \$43,664,200 in each fiscal year ~~2010-2011~~.

19 ***-1019/5.37*** **SECTION 1402.** 49.19 (5) (d) of the statutes is amended to read:
20 49.19 (5) (d) The department shall ~~reimburse the county for~~ pay the funeral,
21 burial, and cemetery expenses of a dependent child or the child's parents as provided
22 in s. 49.785.

23 ***-1019/5.38*** **SECTION 1403.** 49.19 (19m) of the statutes is amended to read:

1 49.19 (19m) Notwithstanding subs. (1) to (19), no aid may be paid under this
2 section for a child on whose behalf a payment is made under s. ~~49.775~~ 49.395.

3 ***-1019/5.39* SECTION 1404.** 49.197 (1m) of the statutes is amended to read:

4 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
5 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
6 to investigate suspected fraudulent activity on the part of recipients of aid to families
7 with dependent children under s. 49.19, supplemental security income payments
8 under s. 49.77, 2009 stats., or s. 49.39, and payments for the support of children of
9 supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,
10 on the part of participants in the Wisconsin Works program under ss. 49.141 to
11 49.161, and, if the department of health services contracts with the department
12 under sub. (5), on the part of recipients of medical assistance under subch. IV, food
13 stamp benefits under the food stamp program under 7 USC 2011 to 2036,
14 ~~supplemental security income payments under s. 49.77, payments for the support of~~
15 ~~children of supplemental security income recipients under s. 49.775, and health care~~
16 benefits under the Badger Care health care program under s. 49.665. The
17 department's activities under this subsection may include, but are not limited to,
18 comparisons of information provided to the department by an applicant and
19 information provided by the applicant to other federal, state, and local agencies,
20 development of an advisory welfare investigation prosecution standard, and
21 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
22 Wisconsin Works agencies to encourage activities to detect fraud. The department
23 shall cooperate with district attorneys regarding fraud prosecutions.

24 ***-1195/2.21* SECTION 1405.** 49.197 (1m) of the statutes, as affected by 2011
25 Wisconsin Act (this act), is amended to read:

1 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
2 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
3 to investigate suspected fraudulent activity on the part of recipients of aid to families
4 with dependent children under s. 49.19, on the part of recipients of benefits under
5 the supplemental nutrition assistance program under 7 USC 2011 to 2036,
6 supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, and
7 payments for the support of children of supplemental security income recipients
8 under s. 49.775, 2009 stats., or s. 49.395, on the part of participants in the Wisconsin
9 Works program under ss. 49.141 to 49.161, and, if the department of health services
10 contracts with the department under sub. (5), on the part of recipients of medical
11 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~
12 ~~7 USC 2011 to 2036,~~ and health care benefits under the Badger Care health care
13 program under s. 49.665. The department's activities under this subsection may
14 include, but are not limited to, comparisons of information provided to the
15 department by an applicant and information provided by the applicant to other
16 federal, state, and local agencies, development of an advisory welfare investigation
17 prosecution standard, and provision of funds to county departments under ss.
18 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to
19 detect fraud. The department shall cooperate with district attorneys regarding
20 fraud prosecutions.

 ***NOTE: This is reconciled s. 49.197 (1m). This SECTION has been affected by
 drafts with the following LRB numbers: 1019/4 and 1195/1.

21 ***-1019/5.40* SECTION 1406.** 49.197 (2) (cm) of the statutes is amended to read:
22 49.197 (2) (cm) Any amounts recovered with respect to the child care subsidy
23 program under s. 49.155 by a county department in a county having a population of

1 500,000 or more as a result of a program under par. (b) or due to the efforts of an
2 employee of such a county who is supervised by the department ~~or the department~~
3 ~~of health services under s. 49.825~~ shall be credited to the appropriation account
4 under s. 20.437 (2) (me).

5 ***-1019/5.41* SECTION 1407.** 49.197 (3) of the statutes is amended to read:

6 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
7 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,
8 the supplemental security income payments program under s. 49.39, the program
9 providing payments for the support of children of supplemental security income
10 recipients under s. 49.395, and, if the department of health services contracts with
11 the department under sub. (5), the Medical Assistance program under subch. IV, the
12 food stamp program under 7 USC 2011 to 2036, ~~the supplemental security income~~
13 ~~payments program under s. 49.77, the program providing payments for the support~~
14 ~~of children of supplemental security income recipients under s. 49.775, and the~~
15 Badger Care health care program under s. 49.665.

16 ***-1195/2.22* SECTION 1408.** 49.197 (3) of the statutes, as affected by 2011
17 Wisconsin Act (this act), is amended to read:

18 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
19 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,
20 the supplemental nutrition assistance program under 7 USC 2011 to 2036, the
21 supplemental security income payments program under s. 49.39, and the program
22 providing payments for the support of children of supplemental security income
23 recipients under s. 49.395, and, if the department of health services contracts with
24 the department under sub. (5), the Medical Assistance program under subch. IV, the

1 ~~food stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care
2 program under s. 49.665.

****NOTE: This is reconciled s. 49.197 (3). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

3 ***-1019/5.42* SECTION 1409.** 49.197 (4) of the statutes is amended to read:
4 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
5 services contracts with the department under sub. (5), the department shall provide
6 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
7 bodies of federally recognized American Indian tribes administering Medical
8 Assistance under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
9 ~~supplemental security income payments program under s. 49.77~~, the program
10 ~~providing payments for the support of children of supplemental security income~~
11 ~~recipients under s. 49.775~~, and the Badger Care health care program under s. 49.665,
12 as applicable, to offset administrative costs of reducing payment errors in those
13 programs.

14 ***-1195/2.23* SECTION 1410.** 49.197 (4) of the statutes, as affected by 2011
15 Wisconsin Act (this act), is amended to read:

16 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
17 services contracts with the department under sub. (5), the department shall provide
18 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
19 bodies of federally recognized American Indian tribes administering Medical
20 Assistance under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, and
21 the Badger Care health care program under s. 49.665, as applicable, to offset
22 administrative costs of reducing payment errors in those programs.

****NOTE: This is reconciled s. 49.197 (4). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

1 ***-1019/5.43* SECTION 1411.** 49.197 (5) of the statutes is amended to read:

2 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE; ~~AND FOOD STAMPS; SUPPLEMENTAL~~
3 ~~SECURITY INCOME; AND CARETAKER SUPPLEMENT.~~ Notwithstanding s. 49.845 (1) and (2),
4 the department of health services may contract with the department to investigate
5 suspected fraudulent activity on the part of recipients of medical assistance under
6 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to
7 2036, ~~supplemental security income payments under s. 49.77, payments for the~~
8 ~~support of children of supplemental security income recipients under s. 49.775, and~~
9 health care benefits under the Badger Care health care program under s. 49.665 and
10 to conduct activities to reduce payment errors in the Medical Assistance program
11 under subch. IV, the food stamp program under 7 USC 2011 to 2036, ~~the~~
12 ~~supplemental security income payments program under s. 49.77, the program~~
13 ~~providing payments for the support of children of supplemental security income~~
14 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665,~~
15 as provided in this section.

16 ***-1195/2.24* SECTION 1412.** 49.197 (5) of the statutes, as affected by 2011
17 Wisconsin Act (this act), is amended to read:

18 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE ~~AND FOOD STAMPS.~~
19 Notwithstanding s. 49.845 (1) and (2), the department of health services may
20 contract with the department to investigate suspected fraudulent activity on the
21 part of recipients of medical assistance under subch. IV, ~~food stamp benefits under~~
22 ~~the food stamp program under 7 USC 2011 to 2036, and health care benefits under~~
23 the Badger Care health care program under s. 49.665 and to conduct activities to
24 reduce payment errors in the Medical Assistance program under subch. IV, ~~the food~~

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1 stamp program under 7 USC 2011 to 2036, and the Badger Care health care program
2 under s. 49.665, as provided in this section.

****NOTE: This is reconciled s. 49.197 (5). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

3 ***-1195/2.25* SECTION 1413.** 49.22 (6) of the statutes is amended to read:

4 49.22 (6) The department shall establish, pursuant to federal and state laws,
5 rules and regulations, a uniform system of fees for services provided under this
6 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;
7 benefits under s. 49.148, 49.155, or ~~49.79~~ 49.37; foster care maintenance payments
8 under 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or
9 long-term kinship care payments under s. 48.57 (3n). The system of fees may take
10 into account an individual's ability to pay. Any fee paid and collected under this
11 subsection may be retained by the county providing the service except for the fee
12 specified in 42 USC 653 (e) (2) for federal parent locator services.

13 ***-1213/1.15* SECTION 1414.** 49.26 (1) (g) 12. of the statutes is repealed.

14 ***-1213/1.16* SECTION 1415.** 49.26 (1) (gm) 1. c. of the statutes is amended to
15 read:

16 49.26 (1) (gm) 1. c. Dropouts, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m),
17 including individuals who were dropouts and reenrolled in school in the same or
18 immediately succeeding semester in which they dropped out of school.

19 ***-0059/4.5* SECTION 1416.** 49.265 (4) (a) of the statutes is amended to read:

20 49.265 (4) (a) The department shall distribute the federal community services
21 block grant funds received under 42 USC 9903 and ~~deposited in~~ credited to the
22 appropriations appropriation account under s. 20.437 ~~(1) (mc) and (md)~~ (2) (mg).

23 ***-1195/2.26* SECTION 1417.** 49.32 (7) (b) of the statutes is amended to read:

1 49.32 (7) (b) The department shall conduct a program to periodically match the
2 records of recipients of aid to families with dependent children under s. 49.19 and
3 recipients of benefits under the supplemental nutrition assistance program under 7
4 USC 2011 to 2036 and, if the department of health services contracts with the
5 department under s. 49.197 (5), recipients of medical assistance under subch. IV and
6 food stamp benefits under the food stamp program under 7 USC 2011 to 2036 with
7 the records of recipients under those programs in other states. If an agreement with
8 the other states can be obtained, matches with records of states contiguous to this
9 state shall be conducted at least annually.

10 ***-1195/2.27* SECTION 1418.** 49.32 (7) (c) of the statutes is amended to read:

11 49.32 (7) (c) The department shall conduct a program to periodically ~~match~~
12 review the address records of recipients of aid to families with dependent children
13 under s. 49.19 and recipients of benefits under the supplemental nutrition assistance
14 program under 7 USC 2011 to 2036 and, if the department of health services
15 contracts with the department under s. 49.197 (5), recipients of medical assistance
16 under subch. IV and food stamp benefits under the food stamp program under 7 USC
17 2011 to 2036 to verify residency and to identify recipients receiving duplicate or
18 fraudulent payments.

19 ***-1195/2.28* SECTION 1419.** 49.32 (7) (d) of the statutes is amended to read:

20 49.32 (7) (d) The department, with assistance from the department of
21 corrections, shall conduct a program to periodically match the records of persons
22 confined in state correctional facilities with the records of recipients of aid to families
23 with dependent children under s. 49.19 and benefits under the supplemental
24 nutrition assistance program under 7 USC 2011 to 2036 and, if the department of
25 health services contracts with the department under s. 49.197 (5), recipients of

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1 medical assistance under subch. IV and ~~food stamp benefits under the food stamp~~
2 ~~program under 7 USC 2011 to 2036~~ to identify recipients who may be ineligible for
3 benefits.

4 ***-1195/2.29* SECTION 1420.** 49.32 (10) (a) (intro.) of the statutes is amended
5 to read:

6 49.32 (10) (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23
7 may release the current address of a recipient of ~~food stamps~~ supplemental nutrition
8 assistance program benefits under s. 49.37 or of aid under s. 49.19, and each
9 Wisconsin works agency may release the current address of a participant in
10 Wisconsin works under ss. 49.141 to 49.161, to a law enforcement officer if the officer
11 meets all of the following conditions:

12 ***-1019/5.44* SECTION 1421.** 49.35 (1) (bm) of the statutes is amended to read:
13 49.35 (1) (bm) All records of the department relating to aid provided under s.
14 49.19 or 49.39 are open to inspection at reasonable hours by members of the
15 legislature who require the information contained in the records in pursuit of a
16 specific state legislative purpose. All records of any county relating to aid provided
17 under s. 49.19 or 49.39 are open to inspection at reasonable hours by members of the
18 board of supervisors of the county or the governing body of a city, village or town
19 located in the county who require the information contained in the records in pursuit
20 of a specific county or municipal legislative purpose. The right to records access
21 provided by this paragraph does not apply if access is prohibited by federal law or
22 regulation or if this state is required to prohibit such access as a condition precedent
23 to participation in a federal program in which this state participates.

24 ***-1195/2.30* SECTION 1422.** 49.37 (1m) of the statutes is created to read:

1 49.37 (1m) ADMINISTRATION BY DEPARTMENT. The department shall administer,
2 and may enter into contracts for the administration of, the supplemental nutrition
3 assistance program in this state. Administration of the supplemental nutrition
4 assistance program includes all of the following:

5 (a) Receiving applications.

6 (b) Determining eligibility.

7 (c) Conducting fraud investigation and fraud prevention activities.

8 (d) Implementing error reduction procedures.

9 (e) Recovering overpayments of benefits.

10 *-1019/5.45* SECTION 1423. 49.43 (1e) of the statutes is amended to read:

11 49.43 (1e) "Accommodated person" means any person in a hospital or in a
12 skilled nursing facility or intermediate care facility, as defined in Title XIX of the
13 social security act, who would have been eligible for benefits under s. 49.19 or 49.77
14 49.39 or federal Title XVI if the person were not in such a hospital or facility, and any
15 person in such an institution who can be found eligible for Title XIX under the social
16 security act.

17 *-1019/5.46* SECTION 1424. 49.45 (2) (a) 3. of the statutes is amended to read:

18 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
19 rehabilitative, and social services under ss. 49.46, 49.468, 49.47, and 49.471 and
20 rules and policies adopted by the department and may, under a contract under s.
21 49.78 (2), delegate all, or any portion, of this function to the county department under
22 s. 46.215, 46.22, or 46.23 or a tribal governing body.

23 *-1019/5.47* SECTION 1425. 49.45 (3) (a) of the statutes is amended to read:

24 49.45 (3) (a) Reimbursement shall be made to each county department under
25 ss. 46.215, 46.22, and 46.23 for any administrative services performed in the Medical

~~Assistance program on the basis of s. 49.78 (8). For purposes of reimbursement under this paragraph, assessments completed under s. 46.27 (6) (a) are administrative services performed in the Medical Assistance program.~~

***-1019/5.48* SECTION 1426.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the department shall give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and, if a county department under s. 46.215, 46.22, or 46.23 is responsible for making made the medical assistance determination, to the county clerk of the county. The county may be represented at such hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient, and to the county clerk, ~~and to any county officer charged with administration of the Medical Assistance program.~~ The decision of the department shall have the same effect as an order of a county officer charged with the administration of the Medical Assistance program of the county that made the medical assistance determination. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for a hearing or shall refuse to grant relief if:

***-1019/5.49* SECTION 1427.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be suspended, reduced, or discontinued until a decision is rendered after the hearing

1 but medical assistance payments made pending the hearing decision may be
2 recovered by the department if the contested decision or failure to act is upheld. If
3 a county department ~~is responsible for making~~ made the medical assistance
4 determination, the department shall notify the county department of the county in
5 which the recipient resides that the recipient has requested a hearing. Medical
6 assistance coverage shall be suspended, reduced, or discontinued if:

7 ***-0809/4.11* SECTION 1428.** 49.45 (5m) (am) of the statutes is amended to read:

8 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
9 under s. 20.435 (4) (b), (gm), (o), (w) and (xc), the department shall distribute not
10 more than \$5,000,000 in each fiscal year, to provide supplemental funds to rural
11 hospitals that, as determined by the department, have high utilization of inpatient
12 services by patients whose care is provided from governmental sources, except that
13 the department may not distribute funds to a rural hospital to the extent that the
14 distribution would exceed any limitation under 42 USC 1396b (i) (3).

15 ***-0243/2.1* SECTION 1429.** 49.45 (6m) (a) 6. of the statutes is amended to read:

16 49.45 (6m) (a) 6. "Resource Utilization Groupings ~~III~~" means a comparative
17 resource utilization grouping that classifies each facility resident based on
18 information obtained from performing, for the resident, a minimum data set
19 assessment developed by the federal Centers for Medicare and Medicaid Services.

20 ***-0809/4.12* SECTION 1430.** 49.45 (6m) (ag) (intro.) of the statutes is amended
21 to read:

22 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
23 subsection made under s. 20.435 (4) (b), (gm), (o), (pa), or (w) shall, except as provided
24 in pars. (bg), (bm), and (br), be determined according to a prospective payment
25 system updated annually by the department. The payment system shall implement

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standards that are necessary and proper for providing patient care and that meet quality and safety standards established under subch. II of ch. 50 and ch. 150. The payment system shall reflect all of the following:

***-0243/2.2* SECTION 1431.** 49.45 (6m) (ag) 3p. a. of the statutes is amended to read:

49.45 (6m) (ag) 3p. a. The system ~~shall~~ may incorporate acuity measurements under the most recent Resource Utilization Groupings ~~III~~ methodology to determine factors for case-mix adjustment.

***-0174/4.3* SECTION 1432.** 49.45 (6tw) of the statutes is amended to read:

49.45 (6tw) PAYMENTS TO CITY HEALTH DEPARTMENTS. From the appropriation account under s. 20.435 (7) (b), if the department selects the payment procedure under s. 49.45 (52) (a), the department may make payments to local health departments, as defined under s. 250.01 (4) (a) 3. Payment under this subsection to such a local health department may not exceed on an annualized basis payment made by the department to the local health department under s. 49.45 (6t), 2003 stats., for services provided by the local health department in 2002.

***-0809/4.13* SECTION 1433.** 49.45 (6v) (b) of the statutes is amended to read:

49.45 (6v) (b) The department shall, each year, submit to the joint committee on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that provides information on the utilization of beds by recipients of medical assistance in facilities and a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry over of currently appropriated amounts in the appropriation accounts under s. 20.435 (4) (b), (gm), and (o).

***-0986/3.1* SECTION 1434.** 49.45 (6x) of the statutes is repealed.

***-0809/4.14* SECTION 1435.** 49.45 (6y) (a) of the statutes is amended to read:

49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in each fiscal year to provide supplemental payment to hospitals that enter into a contract under s. 49.02 (2) to provide health care services funded by a relief block grant, as determined by the department, for hospital services that are not in excess of the hospitals' customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that have not entered into a contract under s. 49.02 (2).

***-0809/4.15* SECTION 1436.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriation accounts under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in each fiscal year to supplement payment for services to hospitals that enter into indigent care agreements, in accordance with the approved state plan for services under 42 USC 1396a, with relief agencies that administer the medical relief block grant under this chapter, if the department determines that the hospitals serve a disproportionate number of low-income patients with special needs. If no medical relief block grant under this chapter is awarded or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that have not entered into indigent care agreements. The department may not distribute funds under this subsection to the extent that the distribution would do any of the following:

***-0809/4.16* SECTION 1437.** 49.45 (8) (b) of the statutes is amended to read:

1 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), (gm), (o), and (w) for home
2 health services provided by a certified home health agency or independent nurse
3 shall be made at the home health agency's or nurse's usual and customary fee per
4 patient care visit, subject to a maximum allowable fee per patient care visit that is
5 established under par. (c).

6 ***-1187/P5.374* SECTION 1438.** 49.45 (8r) of the statutes is amended to read:

7 49.45 (8r) PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate
8 of payment for obstetric and gynecological care provided in primary care shortage
9 areas, as defined in s. ~~36.60~~ 37.60 (1) (cm), or provided to recipients of medical
10 assistance who reside in primary care shortage areas, that is equal to 125% of the
11 rates paid under this section to primary care physicians in primary care shortage
12 areas, shall be paid to all certified primary care providers who provide obstetric or
13 gynecological care to those recipients.

14 ***-1019/5.50* SECTION 1439.** 49.45 (19) (bm) of the statutes is amended to read:

15 49.45 (19) (bm) The department ~~or the county department under s. 46.215 or~~
16 ~~46.22~~ shall notify applicants of the requirements of this subsection at the time of
17 application.

18 ***-0809/4.17* SECTION 1440.** 49.45 (24m) (intro.) of the statutes is amended to
19 read:

20 49.45 (24m) (intro.) From the appropriation accounts under s. 20.435 (4) (b),
21 (gm), (o), and (w), in order to test the feasibility of instituting a system of
22 reimbursement for providers of home health care and personal care services for
23 medical assistance recipients that is based on competitive bidding, the department
24 shall:

1 ***-1375/1.1* SECTION 1441.** 49.45 (24r) (a) of the statutes is renumbered 49.45
2 (24r).

3 ***-1375/1.2* SECTION 1442.** 49.45 (24r) (b) of the statutes is repealed.

4 ***-1019/5.51* SECTION 1443.** 49.45 (34) of the statutes is amended to read:

5 49.45 (34) MEDICAL ASSISTANCE MANUAL. The department shall prepare a
6 medical assistance manual that is clear, comprehensive and consistent with this
7 subchapter and 42 USC 1396a to 1396u and shall, no later than July 1, 1992, provide
8 the manual to counties for use by county employees who administer the medical
9 assistance program.

10 ***-0809/4.18* SECTION 1444.** 49.45 (51) (a) of the statutes is amended to read:

11 49.45 (51) (a) By November 1 annually, the department shall provide to the
12 department of revenue information concerning the estimated amounts of
13 supplements payable from the appropriation accounts under s. 20.435 (4) (b) and
14 (gm) to specific local governmental units for the provision of transportation for
15 medical care, as specified under s. 49.46 (2) (b) 3., during the fiscal year. Beginning
16 November 1, 2004, the information that the department provides under this
17 paragraph shall include any adjustments necessary to reflect actual claims
18 submitted by service providers in the previous fiscal year.

19 ***-0174/4.4* SECTION 1445.** 49.45 (52) (title) of the statutes is amended to read:

20 49.45 (52) (title) PAYMENT ADJUSTMENTS; FEDERAL FUNDING FOR CERTAIN SERVICES.

21 ***-0174/4.5* SECTION 1446.** 49.45 (52) of the statutes is renumbered 49.45 (52)

22 (a) 1. and amended to read:

23 49.45 (52) (a) 1. Beginning on January 1, 2003 If the department provides the
24 notice under par. (c) selecting the payment procedure in this paragraph, the
25 department may, from the appropriation account under s. 20.435 (7) (b), make

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1 Medical Assistance payment adjustments to county departments under s. 46.215,
2 46.22, 46.23, ~~or~~ 51.42, or 51.437 or to local health departments, as defined in s. 250.01
3 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and
4 (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16., except for
5 services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating
6 in the early intervention program under s. 51.44. Payment adjustments under this
7 ~~subsection~~ paragraph shall include the state share of the payments. The total of any
8 payment adjustments under this ~~subsection~~ paragraph and Medical Assistance
9 payments made from appropriation accounts under s. 20.435 (4) (b), (gm), (o), and
10 (w), may not exceed applicable limitations on payments under 42 USC 1396a (a) (30)
11 (A).

****NOTE: This is reconciled s. 49.45 (52) (a) 1. This SECTION has been affected by
draft LRB-0809/3.

12 ***-0174/4.6* SECTION 1447.** 49.45 (52) (a) 2. of the statutes is created to read:
13 49.45 (52) (a) 2. The department may require a county department or local
14 health department to submit a certified cost report that meets the requirements of
15 the federal department of health and human services for covered services described
16 in subd. 1.

17 ***-0174/4.7* SECTION 1448.** 49.45 (52) (b) of the statutes is created to read:
18 49.45 (52) (b) If the department provides the notice under par. (c) selecting the
19 payment procedure in this paragraph, all of the following apply:

20 1. Annually, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437
21 shall submit a certified cost report that meets the requirements of the federal
22 department of health and human services for covered services under s. 49.46 (2) (a)
23 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13.,

15., and 16., except for services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating in the early intervention program under s. 51.44.

2. For services described under subd. 1., the department shall base the amount of a claim for federal medical assistance funds on certified cost reports submitted by county departments under subd. 1. to the extent the reports comply with federal requirements.

3. The department shall pay county departments a percentage of the federal funds claimed under subd. 2. for services described under subd. 1., which percentage is established in the most recent biennial budget.

4. The department may pay a local health department, as defined in s. 250.01 (4), that submits certified cost reports for services described under subd. 1. a percentage of the federal funds claimed for those services, which percentage is established in the most recent biennial budget.

***-0174/4.8* SECTION 1449.** 49.45 (52) (c) of the statutes is created to read:

49.45 (52) (c) The department shall select a payment procedure under either par. (a) or (b) and may change which procedure under par. (a) or (b) is selected. The department shall notify each county department and local health department, as applicable, of the selected payment procedure before the date on which payment for services is made under that selected or newly selected procedure.

***-0174/4.9* SECTION 1450.** 49.45 (53) of the statutes is amended to read:

49.45 (53) PAYMENTS FOR CERTAIN SERVICES. Beginning on January 1, 2003, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payments to providers for covered services under ss. 49.46 (2) (a) 4. d. and (b) 6. j. and m. and 49.471 (11) (f) that are provided before January 1, 2012.

***-1019/5.52* SECTION 1451.** 49.46 (1) (a) 4. of the statutes is amended to read:

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1 49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.77~~ 49.39 or federal
2 Title XVI.

3 ***-1019/5.53* SECTION 1452.** 49.46 (1) (a) 4m. of the statutes is amended to
4 read:

5 49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

6 ***-1019/5.54* SECTION 1453.** 49.46 (1) (d) 4. of the statutes is amended to read:
7 49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)
8 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

9 ***-1019/5.55* SECTION 1454.** 49.46 (1) (e) of the statutes is amended to read:
10 49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets
11 the income limits under s. 49.19 or meets the income and resource requirements
12 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,
13 an accommodated person, or a patient in a public medical institution, the individual
14 shall be granted the benefits enumerated under sub. (2) whether or not the
15 individual requests or receives a grant of any of such aids.

16 ***-1019/5.56* SECTION 1455.** 49.465 (2) (a) of the statutes is amended to read:
17 49.465 (2) (a) If the woman applies for benefits under s. 49.46 or 49.47 within
18 the time required under sub. (4), the day on which the department ~~or the county~~
19 ~~department under s. 46.215, 46.22 or 46.23~~ determines whether the woman is
20 eligible for benefits under s. 49.46 or 49.47.

21 ***-0970/2.1* SECTION 1456.** 49.468 (1) (b) of the statutes is amended to read:
22 49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage
23 under ~~part~~ Part A of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of
24 ~~medicare~~ Medicare, and who does not meet the eligibility criteria for ~~medical~~
25 ~~assistance~~ Medical Assistance under s. 49.46 (1), 49.465, 49.47 (4), or 49.471 but

1 meets the limitations on income and resources under par. (d), ~~medical assistance~~
2 Medical Assistance shall pay the deductible and coinsurance portions of ~~medicare~~
3 Medicare services under 42 USC 1395 to 1395zz ~~which that~~ are not paid under 42
4 USC 1395 to 1395zz, including those ~~medicare~~ Medicare services that are not
5 included in the approved state plan for services under 42 USC 1396; the monthly
6 premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under
7 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums
8 under ~~part~~ Part A of Medicare Medicare. Payment of coinsurance for a service under
9 ~~part~~ Part B of Medicare Medicare under 42 USC 1395j to 1395w, other than payment
10 of coinsurance for outpatient hospital services, and payment of coinsurance for a
11 service under Part A of Medicare may not exceed the allowable charge for the service
12 under ~~medical assistance~~ Medical Assistance minus the ~~medicare~~ Medicare
13 payment.

14 ***-0970/2.2* SECTION 1457.** 49.468 (1) (c) of the statutes is amended to read:

15 49.468 (1) (c) For an elderly or disabled individual who is only entitled to
16 coverage under ~~part~~ Part A of Medicare Medicare and who does not meet the
17 eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (1),
18 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under
19 par. (d), ~~medical assistance~~ Medical Assistance shall pay the deductible and
20 coinsurance portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395i
21 ~~which that~~ are not paid under 42 USC 1395 to 1395i, including those ~~medicare~~
22 Medicare services that are not included in the approved state plan for services under
23 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and
24 the late enrollment penalty for premiums under ~~part~~ Part A of Medicare Medicare,
25 if applicable. Payment of coinsurance for a service under Part A of Medicare may not

1 exceed the allowable charge for the service under Medical Assistance minus the
2 Medicare payment.

3 ***-1019/5.57* SECTION 1458.** 49.47 (3) (b) of the statutes is amended to read:

4 49.47 (3) (b) The agency department shall promptly review the application and
5 shall issue a certificate to the individual showing eligibility when eligibility has been
6 established.

7 ***-1019/5.58* SECTION 1459.** 49.47 (4) (c) 1. of the statutes is amended to read:

8 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
9 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
10 with dependent children payment under s. 49.19 (11) for the applicant's family size
11 or the combined benefit amount available under supplemental security income
12 under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,
13 whichever is higher. In this subdivision "income" includes earned or unearned
14 income that would be included in determining eligibility for the individual or family
15 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381
16 to 1385. "Income" does not include earned or unearned income which would be
17 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~
18 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

19 ***-1465/P4.338* *-0808/2.203* SECTION 1460.** 49.47 (4) (i) 1. of the statutes is
20 amended to read:

21 49.47 (4) (i) 1. The department shall request a waiver from the secretary of the
22 federal department of health and human services to permit the application of subd.
23 2. The waiver shall request approval to implement the waiver on a statewide basis,
24 unless the department of health services determines that statewide implementation
25 of the waiver would present an obstacle to the approval of the waiver by the secretary

1 of the federal department of health and human services, in which case the waiver
2 shall request approval to implement the waiver in 48 pilot counties to be selected by
3 the department of health services. Within 30 days after August 12, 1993, the
4 department of ~~regulation and licensing~~ safety and professional services shall notify
5 funeral directors licensed under ch. 445, cemetery associations, as defined in s.
6 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of
7 the waiver required to be requested under this subdivision. If the waiver is approved
8 by the secretary of the federal department of health and human services and if the
9 waiver remains in effect, subd. 2. shall apply.

10 ***-1019/5.59* SECTION 1461.** 49.471 (5) (b) 3. a. of the statutes is amended to
11 read:

12 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)
13 within the time required under par. (d), the benefits specified in subd. 1. or 2.,
14 whichever is applicable, end on the day on which the department ~~or the county~~
15 ~~department under s. 46.215, 46.22, or 46.23~~ determines whether the woman or child
16 is eligible for benefits under sub. (4).

17 ***-1019/5.60* SECTION 1462.** 49.471 (7) (c) 4. of the statutes is amended to read:

18 49.471 (7) (c) 4. Not include in the calculation any income of an individual
19 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

20 ***-1019/5.61* SECTION 1463.** 49.472 (4) (a) 2. a. of the statutes is amended to
21 read:

22 49.472 (4) (a) 2. a. A maintenance allowance established by the department by
23 rule. The maintenance allowance may not be less than the sum of \$20, the federal
24 supplemental security income payment level determined under 42 USC 1382 (b) and
25 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m).

1 ***-0809/4.19* SECTION 1464.** 49.472 (6) (a) of the statutes is amended to read:

2 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation ~~account~~
3 accounts under s. 20.435 (4) (b), (gm), or (w), the department shall, on the part of an
4 individual who is eligible for medical assistance under sub. (3), pay premiums for or
5 purchase individual coverage offered by the individual's employer if the department
6 determines that paying the premiums for or purchasing the coverage will not be more
7 costly than providing medical assistance.

8 ***-0809/4.20* SECTION 1465.** 49.472 (6) (b) of the statutes is amended to read:

9 49.472 (6) (b) If federal financial participation is available, from the
10 appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department
11 may pay medicare Part A and Part B premiums for individuals who are eligible for
12 medicare and for medical assistance under sub. (3).

13 ***-1019/5.62* SECTION 1466.** 49.473 (2) (intro.) of the statutes is amended to
14 read:

15 49.473 (2) (intro.) A woman is eligible for medical assistance as provided under
16 sub. (5) if, after applying to the department ~~or a county department~~, the department
17 ~~or a county department~~ determines that she meets all of the following requirements:

18 ***-1019/5.63* SECTION 1467.** 49.473 (3) (intro.) of the statutes is amended to
19 read:

20 49.473 (3) (intro.) Prior to applying to the department ~~or a county department~~
21 for medical assistance, a woman is eligible for medical assistance as provided under
22 sub. (5) beginning on the date on which a qualified entity determines, on the basis
23 of preliminary information, that the woman meets the requirements specified in sub.
24 (2) and ending on one of the following dates:

25 ***-1019/5.64* SECTION 1468.** 49.473 (3) (a) of the statutes is amended to read:

1 49.473 (3) (a) If the woman applies to the department ~~or a county department~~
2 for medical assistance within the time limit required under sub. (4), the day on which
3 the department ~~or county department~~ determines whether the woman meets the
4 requirements under sub. (2).

5 ***-1019/5.65* SECTION 1469.** 49.473 (3) (b) of the statutes is amended to read:

6 49.473 (3) (b) If the woman does not apply to the department ~~or county~~
7 ~~department~~ for medical assistance within the time limit required under sub. (4), the
8 last day of the month following the month in which the qualified entity determines
9 that the woman is eligible for medical assistance.

10 ***-1019/5.66* SECTION 1470.** 49.473 (4) of the statutes is amended to read:

11 49.473 (4) A woman who a qualified entity determines under sub. (3) is eligible
12 for medical assistance shall apply to the department ~~or county department~~ no later
13 than the last day of the month following the month in which the qualified entity
14 determines that the woman is eligible for medical assistance.

15 ***-0809/4.21* SECTION 1471.** 49.473 (5) of the statutes is amended to read:

16 49.473 (5) The department shall audit and pay, from the appropriation
17 accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who
18 is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
19 meets the requirements under sub. (2) for all benefits and services specified under
20 s. 49.46 (2).

21 ***-1019/5.67* SECTION 1472.** 49.473 (6) (b) of the statutes is amended to read:

22 49.473 (6) (b) Inform the woman at the time of the determination that she is
23 required to apply to the department ~~or a county department~~ for medical assistance
24 no later than the last day of the month following the month in which the qualified
25 entity determines that the woman is eligible for medical assistance.

1 ***-1019/5.68* SECTION 1473.** 49.496 (4) (a) of the statutes is renumbered 49.496
2 (4) and amended to read:

3 49.496 (4) The department may require a county department under s. 46.215,
4 46.22, or 46.23 or the governing body of a federally recognized American Indian tribe
5 administering medical assistance to gather and provide the department with
6 information needed to recover medical assistance under this section. ~~Except as~~
7 ~~provided in par. (b), the~~ The department shall pay to a county department or tribal
8 governing body an amount equal to 5% of the recovery collected by the department
9 relating to a beneficiary for whom the county department or tribal governing body
10 made the last determination of medical assistance eligibility. A county department
11 or tribal governing body may use funds received under this ~~paragraph~~ subsection
12 only to pay costs incurred under this ~~paragraph~~ subsection and, if any amount
13 remains, to pay for improvements to functions required under s. 49.78 (2). The
14 department may withhold payments under this ~~paragraph~~ subsection for failure to
15 comply with the department's requirements under this ~~paragraph~~ subsection. The
16 department shall treat payments made under this ~~paragraph~~ subsection as costs of
17 administration of the Medical Assistance program.

18 ***-1019/5.69* SECTION 1474.** 49.496 (4) (b) of the statutes is repealed.

19 ***-1019/5.70* SECTION 1475.** 49.496 (5) of the statutes is amended to read:

20 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the
21 department shall pay the amount of the payments under sub. (4) (a) that is not paid
22 from federal funds, shall pay to the federal government the amount of the funds
23 recovered under this section equal to the amount of federal funds used to pay the
24 benefits recovered under this section, and shall spend the remainder of the funds
25 recovered under this section for medical assistance benefits under this subchapter.